International Criminal Court ICC-ASP/2/WGPB/L.1

Assembly of States Parties

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Draft report of the Working Group on the Programme Budget for 2004 of the International Criminal Court

I. Introduction

1. The Working Group on the Programme Budget for 2004 of the International Criminal Court, of the Assembly of States Parties to the Rome Statute of the Court, which was established at the first meeting of the Assembly, on 8 September 2003, held four meetings, on 8, 9, and 11 September 2003. It also held informal consultations on 9 and 10 September. The President of the Assembly appointed Patricio Ruedas (Spain) to serve as Chairman of the Working Group.

2. The Codification Division of the Office of Legal Affairs of the United Nations Secretariat provided the substantive servicing for the Working Group; the Senior Legal Officer of the Office, Serguei Tarassenko, acted as Secretary of the Working Group.

3. The Working Group had before it the draft programme budget for 2004 of the Court (ICC-ASP/2/2) and the related report of the Committee on Budget and Finance (ICC-ASP/2/7 and Corr.1). An initial report by the External Auditor (National Audit Office of the United Kingdom of Great Britain and Northern Ireland) concerning the implementation of the budget for the first financial period of the Court, together with the preliminary comments of the Court thereon, were also made available to the Working Group.

4. At its first meeting, on 8 September, the Working Group heard statements by the Vice-Chairman of the Committee on Budget and Finance, Hahn Myung-jae (Republic of Korea), the Registrar of the Court, Bruno Cathala, and the Director of International Audit of the National Audit Office of the United Kingdom, Graham Miller. The Chairman of the Committee on Budget and Finance, Karl Paschke (Germany), attended all subsequent meetings of the Working Group.

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II. Consideration of the programme budget of the Court for 2004

5. At its 1st, 2nd and 3rd meetings, the Working Group considered the draft programme budget for 2004 and the related report of the Committee on Budget and Finance. The Working Group noted that the recommendations of the Committee fell into three broad categories: those of a general nature, applicable to all major programmes; those of a specific nature, applicable to particular programmes of work; and those of an institutional nature, relating to the functioning of the Committee on Budget and Finance itself.

A. Recommendations of the Committee on Budget and Finance of a general nature

6. The Working Group endorsed the comments and recommendations of a general nature submitted by the Committee on Budget and Finance contained in paragraphs 14, 16, 19, 20, 21, 25, 26 and 29 of its report.

7. In paragraph 22 of its report, the Committee had recommended that the Court provide quarterly reports to the Committee covering, inter alia, expenditure, significant progress in each major programme and contributions. While welcoming that recommendation, the Working Group was of the view that, for the year 2004, a report every six months would be sufficient for this purpose, and recommended accordingly.

8. With respect to the recommendation of the Committee contained in paragraph 27 of its report that overtime provisions throughout the programme budget be reduced by 50 per cent, the Working Group recommended that the reduction be in the amount of 25 per cent. The Working Group wished to set on record that that recommendation should not be construed as a signal of approval of a "culture of overtime" in the Court. On the contrary, the Registrar should, when preparing the draft programme budget for 2005, include a report on how he planned to minimize the use of overtime. The Registrar should further introduce internal regulations on the use and management of overtime with a view to limiting its use to exceptional circumstances and in accordance with established procedures.

9. The Working Group further noted the positive discussions, referred to in paragraph 16 of the Committee's report, between the Court and the host country regarding the interim premises requirements as well as the future permanent premises of the Court.

B. Specific recommendations of the Committee on Budget and Finance on each of the major programmes

Major programme 1
The Judiciary — the Presidency and Chambers

10. With regard to the recommendation of the Committee contained in paragraph 32 of its report that the allocation for salaries of judges be reduced by 20 per cent, reflecting a more likely estimate of the costs involved, the Working Group expressed

the view that the allocation as originally proposed in the draft programme budget should be retained, and recommended accordingly.

11. The Working Group endorsed all the remaining recommendations of the Committee contained in paragraphs 32 and 33 of its report.

Major programme 2
Office of the Prosecutor

12. The Working Group endorsed all the recommendations of the Committee contained in paragraphs 36 and 37 of its report. However, the Working Group recommended that the resulting reductions be applied as the Prosecutor might determine, within the limits of the approved appropriations and staffing tables of major programme 2.

Major programme 3
Registry

13. The Working Group endorsed the conclusions and recommendations of the Committee contained in paragraphs 40 to 49, 52 and 53 of its report.

14. With respect to paragraphs 50 and 51 of the Committee's report, the Working Group acknowledged the fundamental importance of the Witness Protection and Victims Participation Section and the need to ensure adequate funding for its operations. It noted the recommendation of the Committee in paragraph 50 of its report that the provisions for the direct expenses of witnesses be reduced by 30 per cent and that allocations for general temporary assistance be reduced by 50 per cent, and the further recommendation in paragraph 51 that financial assistance for private lawyers for victims and the allocations for general temporary assistance be reduced by 50 per cent. The Working Group noted the comments provided by both the Chairman of the Committee and the Registrar in relation to those recommendations, and decided to recommend to the Assembly that the provisions for the direct expenses of witnesses be reduced by 15 per cent, that allocations for general temporary assistance be reduced by 25 per cent, and that financial assistance for private lawyers for victims and the allocations for general temporary assistance be reduced by 25 per cent.

15. The Working Group further recommended that the proposed reductions be applied with flexibility, as required, within the limits of the approved appropriations and staffing tables of major programme 3.

16. In paragraph 28 of its report, the Committee had recommended the reclassification of one P-5 post to the D-1 level (Head of the Office of Internal Audit) and the establishment of one new auditor post at the P-3 level. The Working Group endorsed that recommendation.

17. The Working Group also considered the adequacy of resources in the Budget Section of the Registry. It decided nevertheless to retain the current provision, in the knowledge that the Registrar would keep that issue under future review.

Major programme 4
Secretariat of the Assembly of States Parties

18. In paragraph 56 of its report, the Committee had recommended that the Assembly not approve the post of the Deputy Head of the Secretariat at the P-5 level as proposed. In the light of workload uncertainties for the year 2004, the Working Group recommended that the post not be established at this time; however, general temporary assistance funds amounting to 84,921 euros should be provided, to be used as and when the workload so required.

19. **[contingency]**

C. Recommendations of the Committee on Budget and Finance of an institutional nature

20. In paragraphs 61 to 63 of its report, the Committee had recommended that travel, accommodation and subsistence expenses of Committee members be met henceforth from programme budget resources.

21. The Working Group agreed that the above proposal would facilitate the attendance by all Committee members to its meetings. Accordingly, it proposed that the Assembly approve that recommendation, which would require an amendment to paragraph 15 of its resolution ICC-ASP/1/Res.5, "Procedure for the nomination and election of members of the Committee on Budget and Finance", which provided that: "The State Party which submitted the nomination of a member of the Committee on Budget and Finance shall defray the expenses of that member while in performance of Committee duties". A draft resolution containing the required amendment, for the approval of the Assembly, is contained in annex II to the present report.

22. In paragraph 64 of its report, the Committee recommended "that it hold, on a trial basis, an additional session in the spring of 2004 of no more than three days, at which it would consider the Court's performance and look in greater depth at important issues". The Working Group endorsed that recommendation and recommended that related financial implications, amounting to 447,836 euros, be included in the programme budget for 2004 under major programme 4 (Secretariat of the Assembly of States Parties).

III. External audit

23. The External Auditor provided the Working Group with information on the scope and approach of his work for 2003, including initial observations on financial issues and management and governance. Preliminary comments were also provided by the Court. The Working Group recommended that the Assembly take note, with appreciation, of the information provided, while looking forward to receiving, in 2004, the External Auditor's report on the financial statements for the first financial period of the Court.

IV. Draft rules of procedure of the Committee on Budget and Finance

24. At its 4th meeting, on 11 September, the Working Group endorsed the draft rules of procedure of the Committee on Budget and Finance set out in annex II of its report and decided to recommend to the Assembly the approval of the report.

V. Recommendations of the Working Group

25. The Working Group on the Programme Budget for 2004 of the International Criminal Court recommends that the Assembly of States Parties to the Rome Statute of the Court adopt draft resolutions I and II contained in annexes I and II to the present report.

Annex I

Draft resolution I

A. Programme budget for 2004

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Having considered the draft programme budget of the International Criminal Court for 2004[1] and the related conclusions and recommendations of the Committee on Budget and Finance contained in its report,[2]

1. *Approves* appropriations totalling ___ euros for the following purposes:

Major programme	*Euros*
Major programme 1 The Judiciary — the Presidency and Chambers	5 780 873
Major programme 2 Office of the Prosecutor	14 041 441
Major programme 3 Registry	30 650 360
Major programme 4 Secretariat of the Assembly of States Parties	[to be completed]
Total expenditure	**[to be completed]**

2. *Further approves* the following staffing tables for each of the above major programmes:

	Presidency and Chambers	*Office of the Prosecutor*	*Registry*	*Secretariat of the Assembly of States Parties*	*Total*
USG	-	1	-	-	1
ASG	-	2	1	-	3
D-2	-	-	-	-	-
D-1	-	1	2	1	4
P-5	1	10	9	0	20
P-4	-	22	21	2	45
P-3	1	17	39	-	57
P-2/P-1	18	35	23	-	76
Subtotal	**20**	**88**	**95**	**3**	**206**

[1] ICC-ASP/2/2.
[2] ICC-ASP/2/7.

	Presidency and Chambers	*Office of the Prosecutor*	*Registry*	*Secretariat of the Assembly of States Parties*	*Total*
GS (PL)	-	3	10	2	15
GS (OL)	11	31	111	1	154
Subtotal	**11**	**34**	**121**	**3**	**169**
Total	**31**	**122**	**216**	**6**	**375**

3. *Requests* the Court, in preparing its programme budget for 2005, to take into account the related comments and recommendations of the Committee on Budget and Finance, in particular those contained in paragraphs 14, 16, 19, 20, 21, 46, 48, 49, 52 and 53 of the report of the Committee;[3]

4. *Further requests* the Court, in implementing the approved programme budget, to provide concise reports every six months to the Committee on Budget and Finance on the implementation of the programme budget;

5. *Authorizes* the Court, in implementing the approved programme budget for 2004, to reclassify posts within the Professional grades and within the General Service grades provided that, for each programme, the overall number of posts in each grade, as set out in paragraph 2 above, remains the same, and provided further that any such reclassifications comply with the relevant internal procedures developed in pursuance of the Staff Regulations of the Court;

6. *Takes note with appreciation* of the preliminary information provided by the External Auditor on the scope of his work for 2003, and looks forward to receiving, in 2004, the External Auditor's report on the financial statements for the first financial period of the Court.

B. Working Capital Fund for 2004

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Resolves that the Working Capital Fund for 2004 shall be established in the amount of ___ euros, and authorizes the Registrar to make advances from the Fund in accordance with the relevant provisions of the Financial Regulations and Rules of the Court.

C. Scale of assessments for the apportionment of expenses of the International Criminal Court

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Decides that, for the year 2004, the International Criminal Court shall adopt the scale of assessments of the United Nations applicable for the year 2004, with

[3] Ibid.

adjustments to take into account the difference in membership between the United Nations and the Assembly of States Parties to the Rome Statute, in accordance with the principles upon which the scale of the United Nations is based.

D. Financing of appropriations for the year 2004

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Resolves that, for the year 2004, budget appropriations amounting to ___ euros and the amount for the Working Capital Fund of ___ euros, approved by the Assembly under part A, paragraph 1, and part B, respectively, of the present resolution, shall be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations and Rules of the Court.

E. Rules of Procedure of the Committee on Budget and Finance

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Bearing in mind Rule 84 of its Rules of Procedure,

Approves the Rules of Procedure of the Committee on Budget and Finance set out in annex II of the Committee's report.[4]

[4] Ibid.

Annex II

Draft resolution II

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Bearing in mind its resolution ICC-ASP/1/Res.5 on the procedure for the nomination and election of members of the Committee on Budget and Finance,

Taking into account the recommendations contained in paragraph 63 of the report of the Committee on Budget and Finance[5] and paragraph 21 of the report of the Working Group on the Programme Budget for 2004,[6]

Decides to amend paragraph 15 of its resolution ICC-ASP/1/Res.5, which reads:

> "The State Party which submitted the nomination of a member of the Committee on Budget and Finance shall defray the expenses of that member while in performance of Committee's duties"

to read:

> "Travel and subsistence expenses of members of the Committee on Budget and Finance while in performance of Committee's duties shall be met from the programme budget."

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[5] ICC-ASP/2/7.
[6] ICC-ASP/2/WGPB/L.1.